

REMARKS

This Amendment Under 35 U.S.C. § 1.114(c) is in response to the Office Action mailed May 17, 2003, which was made Final. A Request for Continued Examination is filed herewith, together with the requisite fee. In the event any additional fees are necessary in connection with the present Amendment, kindly charge the cost thereof to our Deposit Account No. 13-2855.

35 U.S.C. § 102 REJECTIONS

Claims 1, 3/1, 4-5, 8, 10, 12-14, 16-17, and 19-20 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Evans, U.S. Patent No. 4,766,713. Independent claim 1 has now been amended to indicate that the length-dimensioning unit has "two conveying belts (6a, 6b) the distance and speed thereof being adjustable to form a specific sausage shape and length," and to indicate that "all produced sausages hav[e] the same shape and volume". In the latest Office Action, the brake mechanism (26) is cited as describing the claimed length-dimensioning unit. It is respectfully submitted that the brake mechanism (26) is similar in function and structure to the brake ring in the brake ring housing (9) disclosed in the Applicants' specification, e.g. page 5, line 5; Fig. 1. However, the brake mechanism (26) is not a length-dimensioning unit.

As indicated above, claim 1, as amended, describes the claimed length-dimensioning unit as having two conveying belts the distance and speed thereof being adjustable to form a specific sausage shape and length. In view of this amendment, it is submitted that the brake mechanism (26) of Evans, which has no such conveying belts, cannot be considered to anticipate claim 1, as amended. The Office Action indicates that the clippers (33, 35) of Evans being located after the brake mechanism (26) is considered a disclosure of a clipping module located after a length dimensioning unit. However, because Evans does not disclose the length-dimensioning unit having two conveying belts the distance and speed thereof being

adjustable to form a specific sausage shape and length, as recited in claim 1, as amended, it is respectfully submitted that the disclosure in Evans of the clippers (33, 35) located after the brake mechanism (26) is not a teaching of "a clip module for closing the stuffed sausage skins arranged directly after said length-dimensioning unit," and therefore Evans does not anticipate claim 1, as amended, or any of the claims depending therefrom.

Likewise, the Applicants amended claim 10 to recite "said length-dimensioning unit having two conveying belts (6a, 6b) the distance and speed thereof being adjusted to form a specific sausage shape and length," and "a clip module (8) directly after the length-dimensioning unit (5) such that all produced sausages have the same shape and volume". Because Evans does not disclose a length-dimensioning unit having two conveying belts the distance and speed thereof being adjusted to form a specific sausage shape and length, and Evans does not disclose a clip module positioned directly after such a length-dimensioning unit, such that all produced sausages have the same shape and volume, it is respectfully submitted that Evans does not anticipate claim 10 or the claims depending therefrom.

It is respectfully submitted that in the German language, the expression "längeneinheit" (which was translated to read "length-dimensioning unit" in the present application) is understood to be a specific technical term understood by those ordinarily skilled in the art as something other than a break mechanism. The language added by way of amendment to claims 1 and 10 concerning the length-dimensioning unit having two conveying belts the distance and speed thereof being adjusted to form a specific sausage shape and length is supported in the specification as originally filed, for instance on page 5, lines 9-11, and therefore does not add any new matter. The language added by amendment to claims 1 and 10 reciting "such that all produced sausages have the same length and volume" is also supported in the specification as originally filed, for instance on page 5, lines 29-31, and does not add any new matter.

35 U.S.C. § 103 REJECTIONS

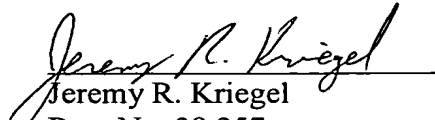
Claims 2, 3/2, 6-7, 9, 11, 15, 18, and 21-22 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Evans as applied to claims 1, 5, 10, and 17, and further in view of Schliesser et al., U.S. Patent No. 5,699,723. For the reasons explained in the previous section, which are incorporated in this section by reference, it is respectfully submitted that Evans does not disclose a length-dimensioning unit having two conveying belts the distance and speed thereof being adjusted to form a specific sausage shape and length, and does not disclose closing the stuffed sausage skins by a clip module directly after the length-dimensioning unit such that all produced sausages have the same shape and volume, as recited in claims 1 and 10.

Because dependent claims 2, 3/2, 6-7, 9, 11, 15, 18, and 21-22 depend from claim 1 or 10, they all include these same limitations missing from the Evans reference. Thus, it is respectfully submitted that the proposed combination of Evans and Schliesser et al. would not result in what is claimed in these dependent claims. Furthermore, by teaching that the clipper is located directly after the charging pipe, Evans teaches away from the suggested combination in which, in order to result in what is set forth in these dependent claims, the clip module would be located directly after the length-dimensioning unit. It is therefore respectfully submitted that a prima facie case of obviousness has not been established, and the Examiner's favorable reconsideration is therefore requested.

CONCLUSION

In view of the foregoing, allowance of all pending claims in the application is respectfully solicited. The Applicants also report that the German priority patent application on which the present application was based has been granted on the basis of the claims as originally filed.

Respectfully submitted,


Jeremy R. Kriegel
Reg. No. 39,257

Date: September 17, 2003

Marshall, Gerstein & Borun LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357
Phone: (312) 474-6300
Fax: (312) 474-0448